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ABSTRACT

This program of instruction in legal research for undergraduate students was developed to help an academic library provide effective support to 16 undergraduate courses dealing primarily with the law. Due to the complexity of the subject matter and the organization of the legal materials, instruction in legal research and the use of the law collection was ascertained to be necessary. The nine short videotapes that constitute the program explain and provide examples of basic beginning legal research; they may be used for either self-paced or group instruction. This document presents the scripts for the nine videotapes: (1) Introduction to Legal Materials; (2) Legal Citations; (3) Legal Dictionaries and Encyclopedias; (4) Law Digests; (5) Citators; (6) Reporters (Federal cases and State cases; (7) Federal Statutes; (8) Wisconsin Statutes; and (9) Administrative Law. A guide and flow chart support the scripts. Copies of the 9-18 minute tapes are on reserve in Forrest R. Polk Library for self-paced use. Presentation of the written materials are sometimes scheduled for classes as requested by teaching faculty. (THC)

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THE LAW BOOK TALKS: Library Instruction for Use of Legal Materials
by Undergraduates

This University of Wisconsin System Undergraduate Teaching Improvement project focused on the undergraduate student use of the UW Oshkosh library's law collection. Because of the complexity of the subject matter and of the organization of the legal materials themselves, legal research and the use of the law collection are difficult for undergraduates. For the same reasons, instruction in legal research is difficult and time consuming for the general reference librarian. The UW Oshkosh offers sixteen undergraduate courses dealing primarily with the law. The library needs to be able to provide efficient and effective instruction to support these courses.

To deal with this problem, a program of instruction in legal research was developed. These materials might be used for either self-paced or group instruction. Nine short videotapes have been scripted and produced. These tapes explain and provide examples of very basic beginning legal research. The following topics are included: Introduction to Legal Materials, Citations, Legal Encyclopedias, Digests, Citators, Federal Statutes, State Statutes, Case Reports, and Administrative Law. A guide and a flow chart have been compiled to support the tapes. If only one type of law material, such as case reports, is required, the Introduction tape, the Citation Tape, and the Case Report Tape would be a useful combination.

Presentations of the prepared materials are scheduled for classes as requested by teaching faculty. User reaction has been excellent. Copies of the tapes are on reserve for self paced use.

A unique fixture of the tapes is the use of a talking book puppet in place of the usual human instructor. Tapes run from 9 to 18 minutes each.

Douglas G. Campbell
Libraries and Learning Resources
University of Wisconsin Oshkosh

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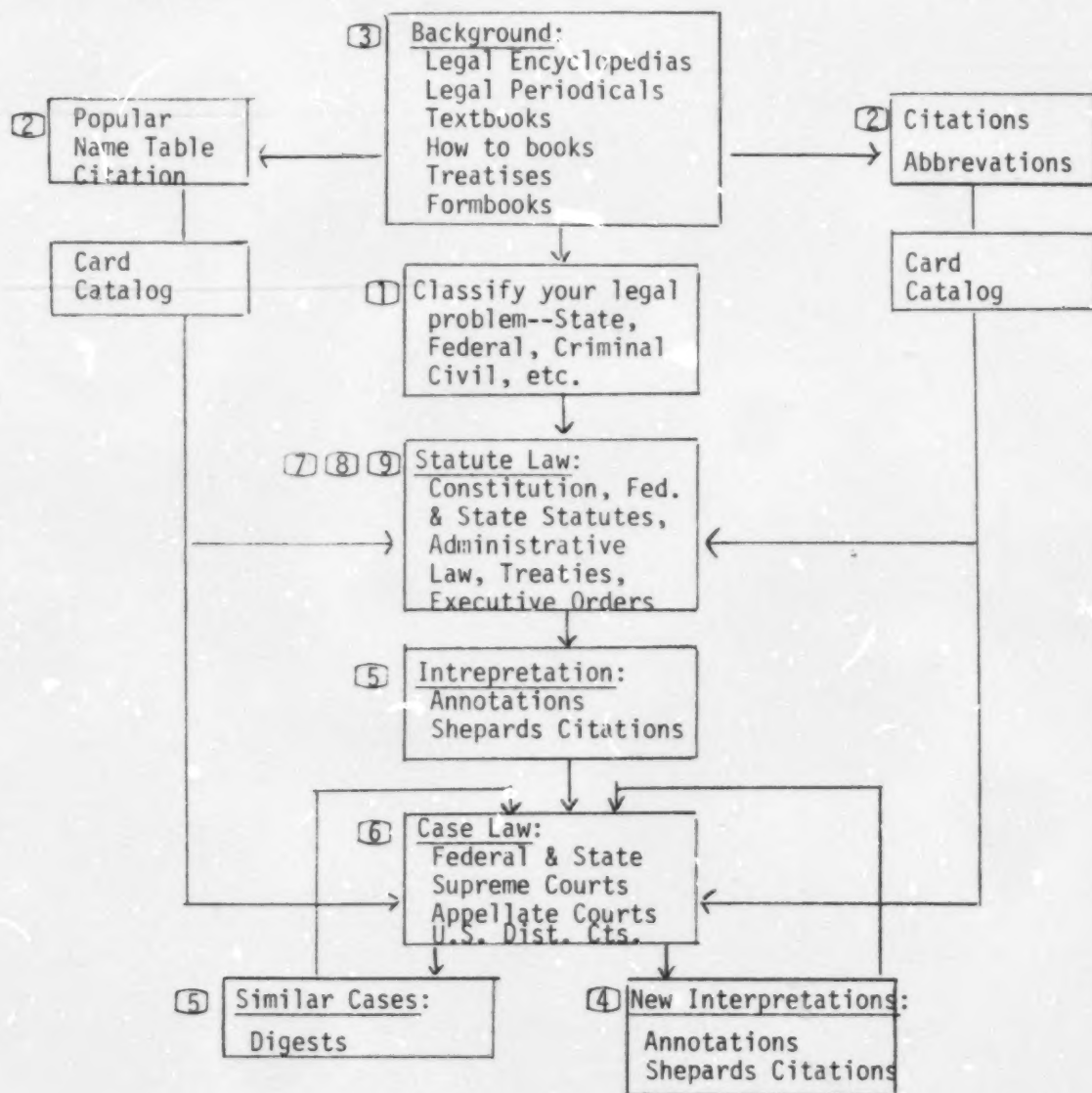
TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)."

A SELECTIVE GUIDE TO THE LAW COLLECTION IN FORREST R. POLK LIBRARY

NOTE: This guide is designed to accompany The Law Book Talks, a nine part video tape set kept in the Polk Resource Center. The number in the margin refers to the tape dealing with that particular legal material.

INTRODUCTION: Tape #1 presents an overview of legal materials and discusses how to formulate a legal question. Numbers on this flowchart refer to appropriate video tapes.

1



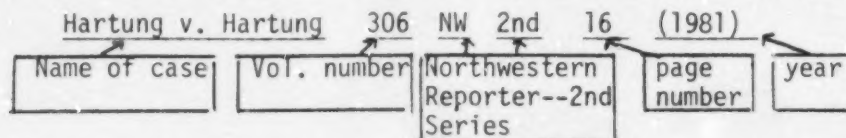
Guides:

- Ref. KF 240 .E35 Legal Research: How to find and understand the law
 Ref. KF 240 .C6 Legal Research in a Nutshell (ask at the Reference Desk)
 Ref. KF 240 .P6 Fundamentals of Legal Research (ask at the Reference Desk)

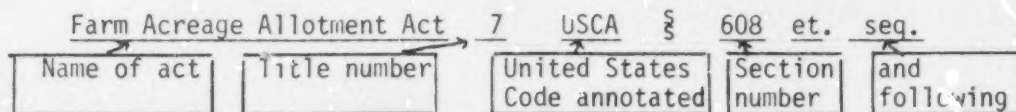
LEGAL CITATIONS:

2

This is a system which enables you to find a law or a court case using a standard combination of numbers and letters. For example:



(The case name and the year are nice to have but are not necessary to locate the case.)



(Once again, it is not necessary to know the name of an act to locate it in the Code.)

Most sets of law books contain a list of abbreviations in the beginning of each volume. If the set you are working with does not contain a list of abbreviations to legal materials go to the reference section and use either Black's Law Dictionary or Fundamentals of Legal Research.

DICTIONARIES and ENCYCLOPEDIAS:

3

Dictionary:

Ref. KF 156 .B53 Black's Law Dictionary In addition to defining legal terms this is a useful source for abbreviations, e.g., S.Ct., etc.

Thesaurus:

Ref. KF 156 .B856 Legal Thesaurus This new tool is extremely helpful in selecting words for your search through the index and table of contents of any law book.

Encyclopedia:

Ref. KF C67 Corpus Juris Secundum (C.J.S.) This is often a good place to start your research. The purpose of this encyclopedia is to provide background and general information on the law, and to identify leading statutes and cases on a subject. Legal topics are arranged alphabetically. It has a subject index. This set is kept up to date by pocket parts found in the back of each volume.

Ref. KF 156 .G77 1983 The Guide to American Law: Everyone's Legal Encyclopedia This new legal encyclopedia is not covered in the video tape. It deals with legal concepts, key cases and statutes, individuals, organizations, and the like, for the general public. It is much more like a general encyclopedia than is CJS.

DIGESTS:

4

Ref. K .U58 West's Supreme Court Digest

Judicial decisions are published in the order in which they are decided, thus, they are not organized by subject. A digest is designed to deal with this problem and bring cases together by subject. West has divided law into 420 broad topics and further divided it into many subtopics. Each subtopic is given the name of the broad topic and a key number designating its specific subdivision. These numbers are found in all West Key Number Digests and all West Reporters. So, if you want to read all the judicial decisions on a certain point of law you can do so if you have the correct key word and number in a West digest. Contains table of cases for all Supreme Court decisions. Has pocket parts.

NOTE: Even though this Digest has a reference call number it is located with the Supreme Court reporters in Government Documents!

Ref. K .M62 West's Modern Federal Practice Digest

Provides a subject approach and a table of cases for federal cases which occurred and were published between 1939 and 1972. Thus it will provide access to our Federal Supplement and Federal Reporter sets prior to 1972. It is NOT currently maintained up-to-date in this library.

Ref. K .W4 West's Wisconsin Key Number Digest

Provides a table of cases and a subject approach to cases from the state supreme court, the court of appeals, and federal cases arising in the state. Updated by pocket parts and supplements.

CITATORS:

5

Ref. KF 78 .S56 Shepard's United States Citations--Statutes and Court Rules

Ref. KF 101.2 .S54 Shepard's United States Citations--Cases

This publication provides the history and treatment of U.S. Supreme Court cases and federal statutes. In order to use Shepards you must know the volume and page number of a cited case or for a statute, you must know the title and section from the U.S. Code. Use Shepard's Acts and Cases by Popular Names, Ref. KF 80 .S5 to locate this information.

Ref. KFW 2447.2 .S6 Shepard's Wisconsin Citations

This publication provides the same service for Wisconsin statutes and Wisconsin cases reported in the Wisconsin Reports, the Northwestern Reporter, and the federal courts. Use Shepard's Wisconsin Case Names Citator, (Ref. KFW 2459 .S48) to obtain a citation when you have only a case name. Wisconsin statutes generally do not have popular names.

REPORTERS:

6

Case law is the judicial interpretation of statutory law. Case reports or law reports are the written records of judicial decisions on given points of law. Those law reports are published both officially and unofficially.

Federal Cases--U.S. Supreme Courts:

Gov. Docs. Ju U.S. Reports (U.S.) Official text of reported decision of any case reviewed by the U.S. Supreme Court. We have only volumes 257 to the present. Volumes 1 through 256 are covered by two privately published sets listed below.

Gov. Docs. Ju U.S. Supreme Court Reports (L.Ed.) Volume 1-26. Covers U.S. Reports volumes 1-105.

Gov. Docs. Ju Supreme Court Reporter (S.Ct.) Volume 1-41. Covers U.S. Reports volumes 106-256.

Ref. K 24 .N52 U.S. Law Week Reports full text of Supreme Court decisions and summaries of lower federal and state court decision. Updated approx. one week following the decision.

Federal Cases--Lower Federal Courts:

K .F42 Federal Reporter, 2nd Series (F.2nd) Volume 363-471. Contains published decisions of U.S. Courts of Appeal.

K .F43 Federal Supplement (F. Supp) Volume 255-to-date. Contains published U.S. District Court cases. Only cases of legal importance are included.

State Cases:

Gov. Doc. Wis. Docs. *Sup 3 Wisconsin Reports (Wis.) Volume 1-158. Decisions of the Wisconsin Supreme Court published chronologically.

Gov. Doc. Wis. Docs. *Sup 3 Wisconsin Reports 2nd Series (Wis.2nd) Volume 1-23. Stops at 1964.

K .N6 Northwestern Reporter (N.W.) and Northwestern Reporter Second Series (N.W. 2d) Cases decided in the Wisconsin Supreme Court and the Court of Appeals of Wisconsin and also state cases in Iowa, Michigan, Minnesota, Nebraska, North Dakota, and South Dakota. Each bound volume contains a words and phrases section, a key number digest for the cases in that volume, table of justices, cases reported, and statutes construed (both federal and state). It is updated weekly. It provides the text of opinions decided.

Gov. Doc. Wis. Docs. *Jus 1/2 Opinions of the Attorney General of Wisconsin (Wis.Op.Atty.Gen.) The Attorney General provides legal advice on state law to the legislature, governor, state agencies, etc. While not legally binding, it is often cited in Wisconsin Statutes Annotated and West's Wisconsin Key Number Digest.

STATUTORY LAW--U.S.:

7

Constitution:

Ref. K .U52 United States Codes Annotated (USCA) Constitution volumes.

Statutes:

Gov. Docs. Y 1.2/5 U.S. Code (USC) This is the current, official compilation by subject of public, general, and permanent U.S. laws. It is arranged into 50 titles (or major subjects). Each title is divided into chapters, sections, and parts. It is necessary to have the title and section to find a particular statute. It is indexed by subject and by popular name. It is updated every 6 years. Current editions are updated by supplement and they are s-l-o-w.

Ref. K .U52 United States Codes Annotated (USCA) This is arranged like USC. After each section USCA has annotations (court interpretations of the statutes) for each decision that examined a particular code section. There are also notes explaining the history and changes in the law. There is a general index and an index to each title. Pocket parts keep this tool up to date. A Tables volume converts P.L. to Title.

Session Laws:

Gov. Doc. GS 4.111 for volume 63-, S7.9 for volumes 47-62, and microfilm for volumes 1-46. U.S. Statutes at Large (Stat.) These are public laws enacted during a session of Congress. They are bound together in order of their passage.

Slip Laws:

Gov. Doc. GS 4.110 Public Laws (P.L.) New U.S. laws published in leaflet form following enactment by Congress. These are eventually bound together in Statutes at Large.

Ref. K. .U58 U.W. Code Congressional and Administrative News (U.S. Code Cong. & Ad. News.) Privately published unofficial version of federal session and slip laws. Includes exact copies of public laws, Congressional committee reports, etc. Contains a subject index to each issue. It is updated monthly.

Ref. K 24 .N52 U.S. Law Week Contains laws of general interest passed by Congress. Updated weekly--very current.

STATUTORY LAW--WISCONSIN:

8

Constitution:

Ref. KFW 2430 1957 .A4 Wisconsin Statutes Annotated (WSA) Constitution volume.

Statutes:

Ref. KFW 2430 Wisconsin Statutes State laws in force in Wisconsin as of the last legislative session completed.

Ref. KFW 2430 1957 .A4 Wisconsin Statutes Annotated (WSA) Similar to USCA in function relative to the Wisconsin Statutes. Updated by pocket parts.

STATUTORY LAW--WISCONSIN: (continued)

Chapter Laws:

Wisconsin Chapter Laws New Wisconsin laws published in leaflet form following enactment by the legislature. Located on the west wall of the reference area (ask the librarian). Indexes located with the chapter laws.

Ref. KFW 2430 1957 .A4 Wisconsin Statutes Annotated Interim Annotation Service. Includes text of laws for latest biennial session.

ADMINISTRATIVE LAW

Federal:

9

Gov. Doc. GS 4.108 Code of Federal Regulations (CFR) Federal regulations organized under 50 broad subject headings. These regulations are written by government agencies to carry out programs initiated by statutes. They have the force and effect of law. The CFR includes a general index and provides a reference to each statute which authorizes a regulation.

Gov. Doc. Federal Register (Fed. Reg.) Daily update of the CFR. Located following the CFR in the Government Documents stacks.

State:

Ref. K .W53 Wisconsin Administrative Code (Wis. Adm. Code) Multi volume loose-leaf compilation of over 70 individual codes. Has general index. Updated by monthly supplements titled: Wisconsin Administrative Register.

OTHER STUFF:

Index to Legal Periodicals Located on index tables in the reference area. Uses same general format as Readers' Guide but designed for the lawyer rather than the layman. Indexes most American legal periodicals. Index contains a table of cases commented on. Polk Library holds few of the periodicals but copies are available on interlibrary loan.

Congressional Quarterly (CQ) Located on the index tables in the reference area. Commercially published. Issued weekly. Good for finding out what is going on currently in Congress. Good index.

CIS--Congressional Index Service Located in Government Documents on index tables. Provides subject access to hearings, reports, and other congressional documents. 1970-present.

Congressional Record Located in Government Documents--ask at the desk. Proceedings of Congress. Index issues include history of bills and resolutions arranged by bill number. All research aids are cumulated into the bound volumes at the end of each session.

OTHER STUFF: (continued)

Digest of General Public Bills Located in Government Documents--ask at the desk. Arranged by session of Congress. Subject index in each issue.

Major Legislation of Congress Summaries of legislative history compiled by the Library of Congress. Located in Government Documents--ask at the desk.

Monthly Catalog Located on index tables in Government Documents and in the reference area. Indexes House and Senate hearings and reports.

Treaties in Force Ref. JX 236

Data Base Searches: Ask at the reference desk about computer database searches. We can search the following online: CIS, Congressional Record Abstracts, Federal Index, Federal Register Abstracts, Legal Resource Index, and Monthly Catalog.

THE LAW BOOK TALKS

A Video Tape Script

Written and Produced
by Douglas G. Campbell

with a grant from the
Undergraduate Teaching Improvement Council
University of Wisconsin System



1983

Libraries and Learning Resources
University of Wisconsin Oshkosh

TAPE I
OVERVIEW AND INTRODUCTION

Law Book: Psssst.

LB: Hey---need any help?

Student: I heard there were weirdos in the stacks. Get away from me or I'll call a librarian.

LB: Don't get upset--I belong here--I'm part of the law collection--and you look like you could use some help.

Stu: Oh! cripes--a talking law book.

Stu: Well--I don't seem to be finding what I need. OK! you can help me. But if we see anybody I know--you get back up on your shelf and keep quiet.

LB: It's a deal--now, what are you looking for? A case, or a statute?

Stu: I'm not sure I even know what I'm looking for. It's here on this handout from my prof.

LB: Hummmm--you have to find some of each--and then some. Let's sit down over here and. . .

Stu: Keep it short...I've a class in 20 minutes.

LB: First I guess I really should tell you that you're part of a video tape production.

Stu: (shocked) now hold on a minute!!!

LB: Yes, you're in the introductory segment of a series of short video tapes which will show you--and others--how to formulate your legal questions and then how to locate and use legal materials here in Polk Library to answer those questions. This first tape will...Hey, where are you going?

Stu: If this is all on tape I can watch it anytime, right?

LB: OK, see you in the Resource Center, anytime.

Stu: By the way, be careful you don't patronize me with this puppet stuff.

LB: Oh, lighten up, it doesn't have to be all that serious.

LB: Well, there goes my talent...she'd probably want a share of the gross for this production anyway.

Now, lets talk about formulating a legal question. . .

(Director adjusts mike on LB) Director: Testing testing.....

All subsequent dialog is LB's:

To provide some organization for our task I have constructed this flow chart.

Now, what are you trying to find and why? Often students are given a specific legal document to look up and read. This can range from a simple to a fairly complex search procedure, depending upon how the document has been identified for you. You might also be asked to go several steps further and trace the changes and interpretations, courts, legislatures, or administrators have made in your legal document. This is an important skill to acquire because laws are always changing. Since the law is what the courts say it is, it's vitally important that you have the latest decision relevant to your legal question. Especially, if that decision has reversed or otherwise altered an earlier decision. Finally, at a somewhat higher level of legal research, you may have a subject or a situation for which you need a legal solution.

For the purpose of discussion and to keep things relatively uncomplicated (although legal materials have a way of getting complicated rather rapidly), but not to worry--we can say that United

States LAW--in all caps and surrounded by stars--is made up of two elements--statutory law and case law.

As parts of statutory law we will include:

- Our constitutions, both federal and state
- The Laws passed by federal and state legislatures--
these are called statutes or the code.
- Municipal ordinances...and
- Administrative Regulations. Administrative
regulations are written by state and federal
agencies such as the Department of Natural
Resources or the IRS, and have the force and
effect of law.
- TREATIES AND EXECUTIVE ORDERS MADE BY THE
President also fall under this broad heading
of Statutory law.

Now, because the law is what the courts say it is, we need case law to complete the body of laws we live under in the United States. Case law consists of judicial interpretations of statute law. You will need to locate these interpretations--also called court opinions or decisions IF you need to know how a law would probably be applied or interpreted in a court case today. The American legal system operates on the principles of precedent. That is, similar cases should be decided in similar ways. The latest opinions or interpretations by a court provide guidance for future court decisions. Court decisions which are deemed important--particularly those which reverse or somehow alter a previous decision are published as case reports or law reports and make up a very large part of our body of law. Also included in the case law category is Common Law. As you probably know, Common law consists solely of court decisions and has

not been written or codified by a legislative body. Common law covers such matters as contracts, ownership of property, and claims for personal injury. Over the years, many common laws have been replaced by state statutes. Now where does case law come from? Mainly it comes from U.S. and State Appellate and Supreme Courts. These are the courts that do not try criminal and civil cases themselves, but examine trial court proceedings to see if any errors have been made in interpreting and administering the laws. The Appellate and Supreme courts will approve or reverse the trial court's decision. These higher court judges will then issue an opinion giving the reasons for their decisions. Some appellate decisions and all U.S. Supreme Court decisions are published in law books sets called case reports. It is intended that only court decisions with some value as precedent are published. Since U.S. Supreme Court cases serve as precedent for all courts, they are extremely important sources of law.

Since trial court cases are not generally published in reports--selected U.S. district court cases being a major exception--you will not find reports of trial cases. So, even though you might hear a great deal on television about a murder trial at your county court house, you won't find it in any set of case reports--unless it is appealed to a higher court--and then only if it is of value as precedent. A notorious case--with extensive press coverage--may be quite routine and of no interest as legal precedent.

These are our PRIMARY SOURCES for law: Statutes and Case Reports. They go together to make up the bulk of our law collection. Even in

a relatively small law collection, law books can be intimidating. We Law book families tend to be prolific...handsomely outfitted in matching bindings--a set of law books may be one, two, three hundred volumes or more...and growing. You may find the same statute or the same court case in two or more different sets of law books. There are often official sets of statutes or cases--printed by the government--and unofficial sets produced by commercial publishers. The unofficial sets reproduce the text from the official set and provide--in addition--extra features such as annotations, notes, and summaries. Some law books will arrange the laws chronologically as they were passed...while others will arrange the same laws by subject. Some will cover one state, some will cover a region, and some will deal with cases from all over the country.

In addition to these primary law book sets of cases and statutes, the law collection contains secondary source materials including legal encyclopedias, dictionaries, digests, treaties, textbooks, citators, and legal periodicals.

Just as when you are doing a library search in order to write a speech or a term paper, background reading is often a useful first step in researching a legal question. For background, legal encyclopedias, textbooks, and periodicals are useful places to start. These will assist you in determining how your legal question is classified so you may move your search to the appropriate statutes.

Sometimes you know the name or citation of the statute or case you want. Video tape number 2 will tell you how to go about finding a document using something that looks like this:

262 US 475, or this: Bakke Case, or this: PL 92-560

Sometimes we are looking for the law covering a situation--such as would phoning in a bomb threat in order to avoid taking a test be a good idea? Would it be considered a prank or would it get us some time in the slammer. Is it a federal law, a state law, a municipal ordinance or a campus regulation? It is a criminal or civil offense? Answering these questions or at least making guesses about the answers will help us decide which sets of law books and which indexing terms to use. You will often find both legal jargon and 'regular words' in law book indexes. So, even if you don't know what a tort is, you still have an excellent chance of arriving at the section of the law book which will deal with your legal question. The trick is to come up with a list of every possible word you can think of which relates to your legal question. The bomb threat question might include: false alarms, scares, threats, bombs, hoaxes, false tips, colleges, campuses, buildings, breach of the peace, disorderly conduct, crimes against public peace, criminal code, telephones, explosives, threats to prevent work, intent, motive, etc. etc. Be aware that search terms which prove successful in one set of law books may not prove satisfactory in another. Your background reading will give you clues as to where to go next. For instance, if the examples found in the legal encyclopedia consist of state laws and court cases, your next step is probably to the index of Wisconsin Statutes Annotated. Once you have found the statutes which cover your legal question you will then try to find out how the courts have interpreted your law, by using a Citator to locate the latest interpretation you can make sure your law is still a good law. An invaluable aid in this aspect of legal research is Shepard's citations and you'll find out how to use them in tape 5. You will also be using

Digests to locate cases similar to your own legal question as these similar cases may serve as precedent and have a bearing on how your case will be decided. Digests are an extremely important tool in legal research and are explained in tape 4. Digests provide a subject approach to court cases. We have digests for Wisconsin and for the U.S. Supreme Courts.

You will continue to cycle back thru this flow chart until you have discovered cases which best establish precedent for your legal question. While this chart provides some structure to your legal search, you may find you will not necessarily start with background and stop with case law. Your search may start and stop with secondary sources, if the text book or form book answers your question satisfactorily you may, with a citation, go directly to a case or a statute.

Sometimes you are looking for practical information on wills, divorce, or business law. Text books and popular how to books may be just what you need--you must; however, be sure they are up to date and cover the laws of our state. If you need the wording for a legal document such as a contract, a lease, or a petition, you will probably find it in form books. By filling in the blanks between the whereas and herebys you have a standard legal document in real lawyer talk. Access to legal periodicals located in this library may be had through the Index to Legal Periodicals...a sort of a Readers' Guide to law journals. If you need analysis of recent developments in the law and discussion of current and controversial issues and court cases, you will find legal periodicals worthwhile. And remember, even though we do not own many of the periodicals or law book sets you might need, we can get them for you on interlibrary loan at no expense to you. In addition,

students and faculty may make use of the Winnebago County Law Library collection at the courthouse. Ask the reference desk for details.

Our library also contains looseleaf law services in areas of the law such as Taxes, Labor Relations, and Collective Bargaining. These services are updated weekly and provide the latest information about new laws, regulations, and judicial and administrative hearing decisions. We also have a small number of treatises... in-depth studies by an expert in a particular area of law such as contracts, employment discrimination, or copyrights.

This discussion of legal materials and searching has been very very brief. You may wish to use a guide such as Pollack's Fundamentals of Legal Research to answer more in-depth questions about legal searching which will not be covered in these introductory tapes... and don't stick rigidly to our flow chart. You will find that there is more art than science in legal searching. As you practice it you will discover it to be challenging, interesting, and fun. Pretend you're Perry Mason and it's Della's day off. Do it yourself. Enjoy.

TAPE II

CITATIONS

This video tape deals with the problem of locating specific statutes and cases for which you have a citation--a citation is a front wheel drive automobile manufactured by the Chevrolet Division of General Motors... no, no, no that's not right...a citation is something that looks like this: 440 US 648. This tape also deals with the problem of finding a statute or a case when you have only its name, such as Bakke vs. the Regents of the University of California. We will also discuss strategies for locating statutes and cases for which you have only the commonly used name such as the Abscam Case, or--even more obscure--but often used-- Title two or Title nine.

First the citation...think of a citation in the same way you would think of a footnote or a bibliography entry for a term paper. It identifies where the statute or case is located so that someone else could find it. Because legal citations are more highly abbreviated than the footnote format of--say--Turabian's writers manual--they make little sense initially. You will find, however, that once you know the system--the concise format of the legal citation is very easy to use. All legal citations, whether case or statute, use the same general format. There are five elements in the legal citation format. Here we have an example of a case:

(Hartung v Hartung 306 NW 2d 16 (1981))

and an example of a statute:

(Farm Acreage Allotment Act 7 USCA § 608 et. seq.)

First comes the name of the case...the name of the statute. You will often find citations which lack this first element but do not worry... it is still easy to locate the text of the statute or case itself. However, the name allows you to be sure you have located the correct item.

The next element is the volume number within a set of law books. If the reference is to a set of statutes this will refer to the title number and there may be several volumes within a title. In this case Title 7 deals with agriculture and takes up three volumes of the United States Code Annotated. Don't confuse the title referred to here with the roman numeral titles you often hear about such as title 7 which deals with employment discrimination. Without going into detail, it is obvious that these two title designations have nothing to do with each other. We'll talk about how to find title seven, spelled VII, later. Be it volume or title, the second element of the citation will appear on the spine of the book containing the law you are looking for. The 3rd element of the citation is an abbreviation for the name of the law book or the set of law books. Our case citation is from the Northwestern Reporter--second series. Our statute is from the United States Code Annotated. How do we know what these abbreviations stand for? Most law sets contain a list of abbreviations in the beginning of each volume. If the set you are working with doesn't, you'll find an abbreviation table in Black's Law Dictionary in the reference area or you can ask a reference librarian for help. The next element in the citation is a number which identifies the specific page or the specific section of the volume. This case citation refers to page number 16 in volume 306 of the Northwestern Reporter. This statute citation leads us to SECTION 608 of title seven of the U.S. Code Annotated. The symbol s over s ...looking kind of like a nervous s, means section. If the section number is followed by this symbol...et. seq. it means sections

Immediately following section 608 must be read also. Inclusive section numbers are often found on the spines of the volumes. The last element in the citation is a date. This date may refer either to the date of enactment or the date of publication. You will not always find dates appended to the citations...in fact, the citations you encounter may or may not contain all the elements shown in these examples. However, the central combination of letters and numbers WILL ALWAYS be enough to locate the law referred to. If the citation is to a book of only one volume there will, of course, be no volume number. You will find articles in legal periodicals cited in the same manner, volume number, periodical title abbreviation, page, and date...for instance, this citation (2 Wis. L. Rev. 309 (1923) refers to an article in the Wisconsin Law Review. Citations to newly passed laws will vary from the citations we have discussed so far. New federal laws are called slip laws and are cited as follows: (Pub. L. 97-188). Pub. L. means public law and it can always be assumed to be federal law, the 97 refers to the 97th session of congress. The 188 refers to the number of the law. Since slip laws are filed in numerical order, it is easy to find the law in question. In Wisconsin, slip laws were called chapter laws and are now called acts. Up until 1983 they were cited thusly: (Wis. Ch. 37, Laws of 1981) and sometimes like this (Ch. 37 1981 Wis. Laws.) Wisconsin Statutes Annotated cites a Wisconsin chapter law like this: (L. 1981, c37.) In each case, enough elements are present to locate the chapter law--which is filed by year and chapter number.

So, this has given you some examples of legal citations and the

arrangement of their elements. If, when you arrive at the page in the set of law books where your citation seems to send you... and the text seems irrelevant, you may have used page numbers when a section number was indicated...or you may have used a congressional session number in place of a volume number. Recheck your citation and try again. If your citation is correct but the text still seems irrelevant...read the case or statute carefully. Perhaps the legal interpretation is just very obscure and will become clearer with careful reading. Now that we understand the elements of a legal citation...how do we locate the material in this library? First we must translate the abbreviation into a title. Suppose our case is cited as such: (U.S. v Pierce 252 U.S. 239, 40 S.Ct. 205, 64 L.Ed. 542.) Whoooooee....we have what appears to be--and is-- one case name with three citations. These are called parallel citations because it means you will find the SAME CASE in three different sets of law books. So, you need to know if this library has any of the law book sets...called reporters...containing your case. First we'll translate the abbreviations using the table in Blacks Law Dictionary. The table tells us that our parallel citations are located in US Reports, in US Supreme Court Reports, and in Supreme Court Reporter. Check the card catalog or with a reference librarian to determine if we own the law books you are looking for and where they are located. In checking our law holdings we discover that we have nonoverlapping portions of all three sets of the Reporters in our parallel citations. However, only the Supreme Court Reporter provides the volume we need. After finding the Supreme Court Reporter on the shelves we may be confused because

it has two sets of volume numbers on the spine--one is for the Supreme Court Reporter and the other is for the U.S. Reports, the official reporter of the supreme court. We select the correct volume and open it to page 205 and there is our case. If we had only the U.S. Reports citation we could still locate our court case in either of the unofficial reporters through the U.S. Report volume numbers on the spine and a table inside the volume which translates the official reporter page numbers into unofficial reporter page numbers. You can use this same process for locating the text of any legal citation you have--providing, of course, the library owns a copy of it. If we don't, inquire at the reference desk about the Winnebago County Law Library or Interlibrary Loan.

Now, what if you have the name of a case or a statute but not a citation? Is it a very well known case or legislative act such as the Bakke case or The Consumer Education Act? Shepards Acts and Cases by Popular Names will translate the popular name into a citation so that it may be located in the usual way. This tool is located in the reference area and is updated by soft bound annual supplements. If your act or case is not found in Shepards, don't despair. It will be necessary at this point to try to determine if your act or case is federal or state. If you suspect you are dealing with a federal act, check the popular name index in either the United States Code Annotated in reference, or the official U.S. Code located in Government Documents. In both sets the popular name index will be found following the general index. Both sets also provide parallel citations to the code, to the statutes at large, and to the slip laws.

To find citations to the most recent acts of congress by popular names, check the Popular Name acts table in the most recent paper issue of U.S. Code Congressional and Administrative News--it is more current than the annually updated U.S. Code.

Wisconsin laws are much less likely to have popular names than federal laws. However, if you do have a Wisconsin law by name, look under the subject "popular name laws" in the index to Wisconsin Statutes Annotated--and don't forget to check the pocket in the back of the index too. West's Wisconsin Legislative Service is analogous to U.S. Code Congressional and Administrative News in making your popular name search for Wisconsin laws as up to date as possible.

Another popular name for federal law is by roman numeral title... such as title nine, title two, title seven, and so on. You will not be able to locate these laws directly through any of the finding aids mentioned so far. That is because thousands of Public Laws are subdivided by title 1, title 2, title 3, and so on. Your best approach to translating these into legal citations is through background reading in the subject area related to your title. For instance, you might go to Education Index or to the Standard Education Almanac and look up title nine...where it may show up cross-referenced or identified as the popular name, Education Amendment of 1972, or the citation, Pub Law 92-318, either of which would lead you to the text of title nine.

So much for finding federal and Wisconsin statutes by popular name. What about court cases? Of the thousands of legal cases published

annually, only a very few will show up in Shepards Acts and Cases by Popular Name. Suppose, for example, you wish to find a citation so that you could locate the much publicized Marvin vs Marvin Palimony case of a few years ago? Checking Shepards Federal and State Cases by Popular Name yields nothing. What we need to do is locate a table of cases containing the Marvin case--that is a list by case name which will provide us with a citation.

Remember that phrase, a table of cases...look for it on the spines and in the tables of contents of law book sets. Tables of cases are a standard part of law digests. For example, The American Digest is a monstrous digest containing tables of cases for all law reports. Unfortunately we do not own it. We do; however, have digests for the U.S. Supreme Court and for the Wisconsin Supreme and Circuit courts. And while we do not have a digest for our recent federal supplement case reporters, each volume of these reporters will provide you with a table of cases reported in that volume. So, if you know the name of a case, the year of the case, and that it was a U.S. District Court Case, you can locate the text of the report in Federal Supplement by checking the table of cases in each volume of the appropriate year. When searching by case name you should be aware that a case name contains at lease two names--for instance--Batman vs Superman. In a trial court the first name is the plaintiff--the person bringing the suit--and the second name is the defendent. Most reports you will be searching for will be from appellate courts. In an appellate case the order may be reversed and the defendants

name may now come first. The point being, if you can't find the case under Batman vs Superman, try Superman vs Batman.

Before we wrap up this discussion of locating statutes and cases by names and citations, one more useful tool should be mentioned. That is Index to Legal Periodicals. Landmark cases are always the subject of articles in legal periodicals. Remember? We were unsuccessful in locating the Lee Marvin Palimony case through Shepards Acts and Cases by Popular Name. We suspected that it was a state rather than a federal case because alimony and breach of promise law is generally under state jurisdiction. Since the Marvins were Hollywood folk we suspect the case was decided in California. This library does not have a digest of a set of reports--with their tables of cases which cover California court cases. What to do? Since the case was of national importance we go to the Index to Legal Periodicals and look--not in the subject index-- but in the good old table of cases in the back of the volume. There, under Marvin vs Marvin, we find our citation 557 P2d 279. Ah hah! it's in the Pacific Reporter. We don't own it, but we can order it on Interlibrary Loan or trot down to the courthouse law library and read it.

As a parting shot, if you have a citation, you can obtain a copy of a case. If you have a case name and can't find a citation, it is quite possible that the case was NOT reported. What you need then is a case whose legal aspects match the one you have in mind as closely as possible. Law Digests will provide that approach.

Isn't the citation system nice, simple and straightforward now that you understand it? Good luck and good hunting.

TAPE III

Legal Dictionaries and Encyclopedias

In this tape we'll discuss examples of legal dictionaries and encyclopedias found in this library. You will find these tools useful both in beginning your search of the law and in helping you define and understand what you have found.

First the legal dictionary:

Black's Law Dictionary--why is it blue you ask--I don't know.

It is about the same size as your Webster's desk dictionary and organized about the same way--an alphabetic list of words with definitions. The difference is that Black's definitions are from the court's point of view and are often accompanied by citations to legal cases. An example of how "pickie" the law is about words and how important definitions are maybe found on page one of Blacks--it is devoted entirely to the word A as in-- a dog, a hat, a cat, etc. It gives its meaning in Latin and Latin law, in French and French law, in English and Anglo-American law. Webster's definition of "a" is much shorter.

When reading law you will encounter Latin phrases and words. Blacks will not only define the terms--legally--but will also tell you how to pronounce them and use them correctly. Blacks also picks up new legal terms such as Palimony...and in the definition provides us with a citation for the Marvin vs Marvin case...557 P2d. 106. In the back of the law dictionary you will find a table of abbreviations--an invaluable tool for translating citations. It tells us that P2d stands for Pacific Reporter 2nd Series. Related to the Law Dictionary is the Legal Thesaurus. Like a regular thesaurus it provides you with synonyms and related

words for a known word. You'll find this source useful in selecting words for your search through the index and table of contents of any law book.

While the law dictionary is very similar to the ordinary dictionary--the legal encyclopedia is not similar to World Book or the Encyclopedia Britannica...you won't find a biography of Oliver Wendell Holmes or his picture or a history of the Supreme Court or a diagram showing how a law is passed. Stick with general encyclopedias for that sort of information. What you will find in a legal encyclopedia is a collection of essays covering major legal topics such as:

Profit, Trusts, and Evidence

It calls these topics "Titles". It will cover both federal and state law and will give you pertinent summaries of the laws under which we live. It will cite court decisions which have interpreted these laws. For these reasons a legal encyclopedia is often a good place to begin your legal research. This library owns and maintains Corpus Juris Secundum. I say maintains, because each volume of this ^{bot}--volume set is updated annually with a pocket part. First we'll talk about how to find points of law in Corpus Juris Secundum and then we'll look at what we've found, the essays, and citations themselves.

The best methods for the amateur legal sleuth--is the fact method. First you need a list of words which describes the facts of your case. To illustrate this let's take the case of college student who parks his car in a parking lot for which he has no permit.

The car is towed away by university police and the student is assessed towing costs for the return of the car. The student says the university's actions were unconstitutional because he was deprived of his property without a hearing--without due process.

Now let's write down as many words as we can think of to describe the legal situation--who and what is involved and what are the issues? Student, university, driver, parking lot, towing, automobile, denial of property, due process, hearings, vehicle owner, impoundment, and so forth. The legal thesaurus is helpful in finding more but that's enough to get us started. Now let's try our terms in Corpus Juris Secundum. At the end of CJS, we find a five volume general index. Towing seems like an important point in this case so we'll try towing in the general index... they use the term towage and it seems to deal mostly with boats but...here it says..."see title index to motor vehicles". Each of the 400 plus titles in CJS has its own index. Before we go there we should check the pocket part in the general index.

You look on the spines of CJS for Motor Vehicle...the titles are in alphabetical order...here...now we check the motor vehicles title index for towing or towage...there it is...under towing or towed vehicles we find impounded vehicle...that sounds right. This rather odd number sends us to section (not page) 28, part 6. The 87 identifies the appropriate footnotes. Here's the page--let's see what we have--the black lettering summarizes the prevailing view...hummm"impoundment has been upheld".

Looks bad for the student. The library reference provides us with a key number--that key number may be used in any of West's Key number Digests and we'll look at them in tape number four. The paragraph following the key number is the authoritative text statement...the essay. It details the prevailing view and through footnotes...provides supporting case citations. With these citations we can obtain court reports of these precedent setting cases. Cases are alphabetized by state so we can look for Wisconsin. Briefs are provided for leading cases in the footnotes--this one seems particularly relevant..."ordinance providing for removal of illegally parked vehicles was not unconstitutional." We can check the citation 139 A2d 599 in the abbreviations table in the front of any volume of CJS--- Hummmmm, A2d means Atlantic Reporter 2nd Series...we don't own that reporter but the court house law library does. Now before we forget, lets check the pocket part for any new cases---none there.

When doing legal research you probably wouldn't stop here, you would likely try other words from your list in the Corpus Juris Secundum's general indexes.

Another method of searching Corpus Juris Secundum is the Topic Analysis Method using the Table of Contents and scope note for each title...e.g., in the front of the motor vehicles volume. This method is best left to those with a great deal of experience in legal research...my advice is to stick with the fact method. Hey, I gotta go, I'm over parked now...and my case looks a little weak.

TAPE IV
LAW DIGESTS

Oh! Hello! Our subject is digests. But this isn't the kind of digest we're going to talk about. This tape

will acquaint you with the Law Digests owned by this library. We have law digests covering reported court cases in the U.S. Supreme Court, the Wisconsin Supreme Court and Appeals courts, and, for limited years, U.S. federal appeal and district courts. The digests are: the Wisconsin Key Number Digest, the U.S. Supreme Court Digest, and the Modern Federal Practice Digest. While Wisconsin and Supreme Court digests are maintained up to date with annual pocket parts, our Modern Federal Practice Digest covers only 1939 through 1972.

Why do we need these digests and what will they do for us? Reported court cases are printed in the order they are decided. In the U.S. Supreme Court Reports, for instance, a case on abandonment may be followed by a case on insurance and the next case may concern fraud. This goes on case after case, year after year. Trying to locate fraud case reports which correspond to the facts of a fraud case which you are studying would be an impossible task using the court reports alone.

A digest organizes and digests--or summarizes--the cases. It provides an index to the court reports. And it indexes them in several different ways: by topic, by descriptive word, and by the case name, e.g., Marvin vs Marvin. Unless we are quite expert, we can forget the topic method--it is used only by experienced lawyers and legal researchers. We'll demonstrate the descriptive word method to find--as the lawyers say--a case on point.

Let's say our legal question concerns newspaper censorship and we want U.S. Supreme Court rulings on the subject. As we did in tape III, when using Corpus Juris Secundum, we'll list all the descriptive words we can think of which will describe our legal question. Then using the multivolume Descriptive Word Index found at the front of U.S. Supreme Court Digest we try the word censorship first and find nothing related to newspapers. Next we try newspapers and while we don't find censorship listed under it--freedom of the press is there and it sounds likely. The index refers us to "constitutional law--key number 90.1(8)." I'll get back to what key number means later. Now remembering to check the pocket part for more recent entries--and finding nothing--we select the volume containing the topic, constitutional law--the topics are printed on the spine and turn to key number 90. Finding no 90.1, we check the pocket part and there we find our key number 90.1(8), regulation of newspapers and periodicals; obscene publications. This sounds promising. Under this key number we find short summaries of U.S. Supreme Court cases dealing with our topic--together with the citations for locating the cases in any of the U.S. Supreme Court Reporters. Also we find citations for the United States Code Annotated so that we can look up the statutes construed. This is a good place to explain what key numbers are and how the West Key System works. The West Publishing Company has organized all of its digests with a uniform classification system using a topic label--such as Constitutional Law and a subtopic number such as 90.1(8). To show you how this works let's switch to the Wisconsin Key Number Digest and look under the same key number, Constitutional Law 90.1(8). Under it we find Wisconsin Supreme Court

Cases, Appellate Court Cases, and U.S. Court Cases originating in Wisconsin which deal with Newspapers and freedom of the press. We can do this with any of the West Digests and find appropriate cases. It will help us find a precedent for our own legal question.

As long as we've got the Wisconsin Digest out--lets use it to demonstrate the Table Of Cases feature--also present in the other digests. Say we have the name of a Wisconsin court case--Binder vs Hanson--and we want to read the court report but have no citation to allow us to find it. We select the table of cases volume and look under the name of the case. Its not there so we reverse it and try Hanson vs Binder. And there it is. The citation 50 NW 2d 464 is translated by an abbreviations table in one of the digest volumes into The Northwestern Reporter, 2nd series, volume 50, page 464. The Table Of Cases also provides us with key numbers so that we may locate similar cases through the digest. It is important to remember that the digests owned by this library do NOT cover all reported cases. Digests available at the Court House Law Library will help you with other cases and jurisdictions. Another useful feature of these digests is their words and phrases section. It will refer you to cases which have defined words and phrases--in legal terms. Words and phrases such as INCREDIBLE, INTERESTED, AND IN THAT CASE!

Most of our law reports sets are from the West Publishing Company and in them, along with Corpus Juris Secundum, you'll find the little picture of a key with a title and a number at various places. Now you know where that key will lead you...to any West Digest for cases dealing with the same legal topic. Eventually, with enough trips back to the descriptive word index, I hope you'll find your case on point. Now, where was I.

TAPE V

CITATORS

Ah, Welcome back. In this tape we're going to Shepardize--and you don't even need the shepard staff or some sheep to do it--you may go little fellow...

Lamb: baaaaa

As you've probably discovered by now--the law is constantly changing. Through your legal research in encyclopedias and digests you may have located a law case which you feel is your case on point...that is it looks like a precedent for your own legal case or question. Or you may have identified a statute which appears to cover your legal situation.

What you need to know now is--is my case on point or my pertinent statute still GOOD LAW? Can I use it as authority? or has it been reinterpreted by a later court case? A citator will give you the answer with an up-to-date list of later references to your case or statute. It will tell you if your case on point has been appealed, affirmed, reversed, overruled, or just cited. It will tell you if your statute has been ammended, repealed, or superceded by legislative action or interpreted by court rulings. In addition, a citator often provides parallel decisions and indexes pertinent to law journal articles.

The two citators this library owns and which we are going to explore are: Shepards United States Citations and Shepards Wisconsin Citations.

It is important to note that when Shepards says citation, they mean something more than how we described citation in tape 2--when it was

simply the location for a statute or a reported case, for example, 306 NW 2d 16 is where you would find the Hartung vs Hartung case, volume 306, page 16 of the Northwestern Reporter, 2nd series. A shepards' citation means a reference in a case to an earlier case. The earlier case is the "cited" case--the later case is called the citing case--and we're interested in what it had to say about our case on point.

This is what Shepards U.S. Citations looks like--on the outside. It has several bound volumes each covering a certain time period--some covering statutes and some covering cases. It is kept up-to-date by soft bound supplements. The cover of the most recent supplement tells you what volumes and supplements you should have for a complete set.

On the inside is a table of contents so that you can locate the section covering your case or statute. In the preface you'll find directions on how to use and get the most out of Shepards--with more detail than you'll get from this tape.

The inside of Shepards looks like this--initially probably the most frightening thing you'll encounter in legal research. But as you use it you'll find that it packs an incredible amount of information into a small space. Once you learn how to read it.

So, lets give it a try.

Our case is Yellin vs the United States. We've found its report in U.S. Supreme Court Reports--our citation is 374 U.S. 109. We select the volume of Shepards covering volumes 314 through 399 of U.S. supreme court reports and check the table of contents for the U.S. supreme court reports section. The volume number for our case--374--appears at the top of the page and the page number of our case--109 appears in bold type.

If the page number for our case did not appear we would know that our case was not cited--at least during the time period covered by this volume of Shepards.

But it is and this is what we find.

The first two citations are in parenthesis, indicating that they are parallel citations in other supreme court reporters. Parallel citations are given only the first time a case appears in Shepards. The Prefix S tells us that this is the same case--Yellin vs the U.S. which was on the docket earlier in the supreme court and in a district court. The remaining citations listed under 109 are two cases which have cited Yellin vs the U.S. On this citation the prefix J means that the cited case has appeared to dissent to the citing case. This--along with other prefixes and abbreviations may be found in the front of each volume of Shepards. Common abbreviations are a for affirmed, r for reversed, and f for followed. Lets take this citation as an example--f327F2d (Superior¹) 606. The small f means this case explicitly follows the reasoning or decision of Yellin vs the U.S. It is found in volume 327 of the Federal Reporter 2nd Series. The Superior one following F2d means that the citing case dealt with the legal issue summarized in the first headnote appearing in the cited case. Each headnote paragraph in a court report summarizes a legal issue which appears in the case. By identifying the headnote by number you won't have to search out and read all citing cases. You need only those dealing with the issues raised in headnotes appropriate to your question. You will find that some of these citations are to articles in law journals, for instance, ABA refers to the American Bar Association Journal. After you have noted down the appropriate citations from this volume your next step would be to check other volumes and

supplements of Shepards U. S. Citations to see if Yellin vs the U.S. has been cited further and particularly if it has been questioned or overruled. You would follow the same procedure when checking Wisconsin cases in Shepards Wisconsin Citations. Always remember to start with the Table of Contents so that you wind up in the right section for your citation. When shepardising a case in the Northwestern Reporter 2nd Series section of Shepards Wisconsin Citations you may wish to also look up the parallel citation--the one in parenthesis--you remember--in the Wisconsin Reports 2nd Series section. The reason for this is that citations to law journals and by administrative agencies will be found only in the Wisconsin Reports section--but not in the Northwestern Reporter section.

So much for cases, now lets try shepardising a Wisconsin Statute. Assume that our legal question concerns The General Validity of Security Interest--a subject covered by Wisconsin Statute 409.201. We open up the most recent issue of Shepards Wisconsin Citations to the Wisconsin Statutes, Wisconsin Statutes Annotated pages and locate our statute by its number. Here we have a history of what has happened to our statute in the time covered by this issue of Shepards. A1971C239 means that the statute was "A"--amended by the state legislature in the 1971 chapter law number 239. The next two citations show that the statute was cited twice in the Wisconsin Reports 2nd Series. These two citations are paralld by the next two Northwestern Reporter 2nd Series citations. The last two citations indicate volume and page numbers to articles in the Wisconsin Law Review which cite the statute. To do a thorough search of the history and current status of this statute, we would have to examine all volumes Shepards Wisconsin Citations. The Shepards U.S. Citations works the same

way for federal statutes. To use it you must know the title and section from the U.S. Code for your statute.

You can also shepardize the U.S. and Wisconsin Constitutions in their respective Shepards sets. You will not; however, be able to shepardize cases found in The Federal Supplement or Federal Reporter--two large sets of law reporters owned by this library and while you will be able to shepardize Wisconsin cases reported in the Northwestern Reporter, you will not be able to shepardize the other states found in that reporter--not in this library, anyway.

A couple of final tips:

Always check the table of contents in front of Shepards to make sure you are in the correct section for your case or statute. Refer to the preface and illustrative cases in the front of Shepards when you have problems. With a little practice you'll become quite adept at shepardizing.

Lamb: raspberry.

TAPE VI
REPORTERS

Most of the tools we've talked about so far have been finding tools. Encyclopedias, digests, and citators all helping to lead us to what we hope will be our case on point. The case which will serve as precedent for our own legal question. It--like all published cases--will be found in volumes called case reports or reporters. Case reports make up the bulk of our law collection and grow at the rate of around 70 plus volumes per year. Since court cases are published in chronological order, the sets of cases by themselves are of little use without a citation from another source--be it digest, encyclopedia, citator, textbook, or professor. With the citation--as we learned in Tape II--finding the case in the reporter is a simple matter. This tape is going to deal with reported cases. Just what sort of information are you going to find in case reports?

Let us say you have a Wisconsin supreme court report citation--104 Wis2d 339 for the Durham vs Pekrul case--this case deals with doll hospitals and I have--being stuffed with sponge rubber--rather an interest in that sort of thing. Anyway we discover that this library doesn't have Wisconsin Reports, 2nd Series covering volume 104. We do have the Northwestern Reporter which will also report the case--but all we have is the Wisconsin Reports citation. How do we get a parallel citation for the Northwestern Reporter??? Easy. We can use either the Wisconsin Key Number Digest's table of cases or the Shepards Wisconsin Citations to give us a Northwestern Reporter citation. There is another source for parallel citations shelved right after the Northwestern Reporter. It is called the Wisconsin Blue and White Book. The blue pages convert

Wisconsin Reports to Northwestern Reporter and the white pages do just the opposite. So through one of these sources we find the parallel Northwestern Reporter Citation-- 311 NW2d 615 and locate our case in volume 311, page 615...and here it is. The parties...the court...and the date are identified. A synopsis of the case is given...mumm...action was brought against owner of doll hospital for replevin of two antique dolls--replevin? I need to check that word in the law dictionary. At the end of the case synopsis is the decision of the Wisconsin Supreme Court... to reverse or affirm the appeals court decision. Next are the numbered headnotes or syllabus paragraphs. These headnotes summarize what the court said about specific legal topics. Since the Northwestern Reporter is published by West, we find a West Key Number following the topic. By looking up the topic REPLEVIN and the key number 72 we can find similar cases through the Wisconsin Key Number Digest.

Following the headnotes are the names of the lawyers arguing the case before the Wisconsin Supreme Court.

Next comes the opinion of the court--written, in this case, by Justice Heffernan. The opinion presents a detailed listing of the facts from the lower court's determination of the case. The opinion then formulates the legal issues it must decide. The opinion contains the rationale for why they either affirmed or reversed the lower court. At the very end of the opinion is the court's decision or holding. If there had been a dissenting opinion it would have been printed following the opinion of the court.

Always remember when reading law reports that the headnotes or syllabus

paragraphs are generally NOT prepared by the court but by an editor or reporter. When a syllabus is prepared by the court it is labelled: "syllabus by the court".

After reading the case, how do we know if it creates precedent for our own legal question? Compare the facts in the case with the facts in our situation. Compare the legal issues. If the issues are the same and the facts are similar it is precedent for our legal question. If only parts of the case are similar the case may be persuasive authority in our legal question. If there is no similarity in issues or facts we had better look for another case.

Features of each volume of most reporters include a table of cases--helpful if the page number is wrong in your citation. Also present is a list of statutes construed which will tell you what statutes have been interpreted by cases in this volume. Some reporters have indexes in the back of each volume. West reporters include a words and phrases index and a Key Number Digest section. This feature provides an update for the semiannually updated Wisconsin Key Number Digest. The Northwestern Reporter we have just used is an example of a commercially published reporter. It is updated by weekly issues and is quite current.

Now we are going to examine an official report--the U.S. Supreme Court Reports--also referred to as U.S. Reports. There is some confusion about the title as there is also a U.S. Supreme Court Reports--Lawyers Edition which is commercially published. Bear in mind that the text of the opinions in both Official and Unofficial reports are identical. Other features such as tables, indexes, and headnotes will vary.

You may recall that we used the supreme court case, *Yellin vs. the U.S.*

to demonstrate Shepardizing, 374 U.S. 109 was the citation and here in volume 374 on page 109 is the case.

Following the case name and dates--the syllabus or headnote summarizes what the court says in its decision. Remember that this is not a part of the decision but was written by a reporter. There are, of course, no West Key numbers as this is not published by West. We can not go directly to appropriate topics in West's Supreme Court Digest but must use the digest's table of cases to find out where the legal points discussed in *Yellin vs the U.S.* will be digested.

Following the headnote or syllabus we find the names of the lawyers who argued the case and then the opinion of the court written by Chief Justice Warren. Following the Courts Opinion a dissenting opinion, written by Justice White is found.

The U.S. Reports are updated by Preliminary Paperback Reports and by paper slip reports. These are replaced by bound volumes in time.

An unofficial report for the supreme court which is much more current is U.S. Law Week. It reports the full text of supreme court decisions and summaries of lower federal and state court decisions and is updated about a week following the decision. U.S. Law Week also contains information on dockets, dates, and current news about the court. This weekly looseleaf service has both supreme court and general topical indexes to its contents.

While we have discussed only U.S. and Wisconsin State Supreme court cases, this library's collection includes court reports for lower federal courts, tax courts, labor cases, employment cases, and also Wisconsin Attorney General Opinions...just to name some examples.

Before going to any court report you will nearly always have a citation. You can translate that citation into the title of a reporter and then check the card catalog or with the reference librarian to see if we own that Reporter. If we don't we can check to see if the Winnebago County Law Library has it or order it using the citation on Interlibrary Loan.

Gosh, that doll's hospital case got me to thinking...I wonder if my blue cross would cover something like that.

TAPE VII
FEDERAL STATUTES

I've been slipping down behind this desk--so this time I brought a pillow--in case I need it. Hummmmm what's this tag, "do not remove under penalty of law" -- fiddle stickes-- (RIPPPPPPPPP)

This tape is going to acquaint you with federal statutory law, the laws passed by our Congress in Washington. (siren winding down)

Bullhorn: Hey! You in the suit--FBI--throw down that cushion-- and the tag too! (throws it down)

Bullhorn: You can go buddy but we're going to hold the cushion!

LB: Jeez, I didn't know it was a federal offense--but I have a feeling it's something I had better look into.

Fortunately, federal laws--like state laws--are gathered together by subject or title into a set of books called the U.S. Code. Also-- like state law--the official U.S. Code is paralleled by the unofficial U.S. Code Annotated. And--like the state set--the unofficial annotated code has many more volumes than the official code. But--they are organized in the same way and the current citation to a section within the code works as well in either set of law books. The U.S. Code Annotated is kept up-to-date with annual pocket parts while the official code is updated with annual supplements. Both sets have indexes--lets try our cushion tag problem in the U.S. Code Annotated Index--nothing under pillow--lets try cushion--there it is, textile fiber products used in stuffing, the number sends us to title 15, section 70b of the code--either official or unofficial. The title name and number are printed on the spine--title 15 is commerce and trade...this volume contains section 70...which deals with textile fiber products identification. Subsection b tells why the cushion

had to have a tag--and whew--subsection c tells me why it IS LEGAL for me to tear it off.

In addition to the text of the law--also found in the official version, the unofficial version has the following features: Historical Note--we are given a citation to locate the legislative history of the law.

Library References--we are given a West† Key Number topic--which will bring us to related court cases in any West Digest. A citation to Corpus Juris Secundum--the legal encyclopedia will provide us with useful essays and background information.

Code to Federal Regulations...this citation would lead us to Federal Regulations on the topic of fiber product labeling. Last is listed the Notes of Decision--annotations of court cases which have construed legal points found in this statute. Not present in this particular instance--but often found in U.S. Code Annotations are Cross References to other titles and sections of the Code.

A check of the pocket part would reveal only a single additional court interpretation; however, it could be critical to our legal question. Always check the pocket part.

Now, before this cushion tagging law was included in the U.S. Code, it was first published as a public law or a slip law. Laws are published in this form when they are passed--and are given a number--PL for Public Law, 85 for 85th Congress, and 897 as the 897th consecutive law passed by the 85th Congress. Slip laws are filled consecutively by number. Eventually this slip law gets bound together--still in consecutive order--with other slip laws from the same congress. The resulting volumes are called STATUTES AT LARGE. They are indexed by subject. If you

have only a PL citation you can still locate your law in Statutes at Large since laws are published in order of enactment...and you have the number of the congress.

You can convert a PL citation or a STATUTES AT LARGE citation to a U.S. Code citation through Statutes at Large tables located in either CODE set--look for the word tables on the spine.

More convenient, faster and easier to use than the slip laws and STATUTES AT LARGE is the unofficial version by West called U.S. Code Congressional and Administrative News. It updates the annual pocket parts of U.S. Code Annotated by publishing new Public Laws monthly and providing tables which let you know where the new laws will fall in the U.S. Code and what, if any, new Public Laws deal with specific U.S. Code titles and sections. In addition, the U.S. Code Congressional and Administrative News provides detailed legislative history for new public laws. Cumulative subject index is also provided. The monthly issues are replaced by a hard bound set--annually.

Although useful--the chronological listing of U.S. Code Congressional and Administrative News makes is unhandy when you are trying to see if there are any new laws causing a change in a particular title and section of the code. U.S. Code Annotated helps us out by providing a supplement three times a year which updates the pocket parts by printing new public laws as they would fall within the title organization of U.S. Code. The same is done for new annotations of court cases--also arranged by title and section.

Use both of these tools with U.S. Code Annotated to make your federal law research as up to date as possible.

You can also--as you remember from Tape 5--use Shepards U.S. Citations to find out what has happened to your Federal Statute. One assignment students often have is to trace the legislative history of a statute. This has a practical application because... what the law says--or may be trying to say--might be more clear after reading the House and Senate committee reports relating to the statute. U.S. Code Congressional and Administrative News does this best, however, we have it back only through 1980. Prior to that, the slip laws and Statutes at Large may be used as sources of short legislative history. It is printed at the end of each statute. Would you believe our cushion law has a popular name? Its the Textile Fiber Products Identification Act. The popular name table in either version of the Code provides us with citations to Public Law, Statutes at Large, and the Code itself.

One other thing...Congress passes laws which do not find their way into the U.S. Code. These are private laws--and you'll find them in the Statutes at Large and U.S. Code Congressional and Administrative News. Both the Statutes at Large and the presidential proclamations and announcements, print executive orders, and reorganization plans. Bullhorn: Hey, you with the suit...you can have your cushion back... he's clean. Have a nice day now.

(Book sinks slowly behind desk...fade to black.)

TAPE VIII
WISCONSIN STATUTES

Ah, Wisconsin--land of woods, lakes, and streams,--Gods Country indeed. On this tape we're going to talk about Wisconsin's Statutes. Those laws enacted by our legislature down in Madison. We live by these statutes--our judges interpret them--but where and how do we find them?

In our library----you'll find Wisconsin Statutes in both official and unofficial versions. The official collection is called Wisconsin Statutes. The unofficial one is called West's Wisconsin Statutes Annotated. The most obvious difference between the two is SIZE. While the official version gets by with 6 paper bound volumes, the unofficial one stretches to over 60 hardbound volumes plus paperbound updates. Both are arranged by the same topical scheme--broken down by title chapter, section, subsection, and paragraph. For this reason, a current citation for Wisconsin Statutes is also good for Wisconsin Statutes Annotated.

A whole new edition of the official Wisconsin Statutes, is published for each biennial session, including all the new and revised statutes for those last two years. The Wisconsin Statutes Annotated is not replaced every two years, but is updated by annual pocket parts in each volume.

Both sets of statutes are indexed. Since the Wisconsin Statutes Annotated index is much larger than the official Wisconsin Statutes index, it can be expected to have more entries and to index in greater depth. Lets take a practical example. I'm planning a canoe trip through America's Dairyland and naturally need to know my navigation rights in farm drainage ditches. (I have a very small canoe and it

saves portages). In the official Wisconsin Statues index we don't find farm drainage ditch listed. We try navigation and find navigable waters and navigation and a likely subhead: Navigable waters. Defined and enumerated--that might cover it but we're not sure. It provides us with the number 30.10. Now, lets try the unofficial Wisconsin Statutes Annotated index. It has three volumes with pocket parts. Our most specific subject, farm drainage ditches is not found in the main index but...we try the pocket part...and BINGO!! Farm Drainage Ditches...defined Navigable Waters...30.10. Same location, but more direct indexing.

Now, lets take a look at the statute itself...first in the official statutes.

The chapters are listed on the spine. We're looking for Chapter 30, section 10, not a page number. Here we are, less than a page on declarations of navigability and...one paragraph on drainage ditches--- says they generally aren't navigable--darn---unless it had previous stream history. At the end of chapter in section 30.10 we have Section History. This line tells us that this section was affected by legislation in 1977 and if we wished to know what those changes were we could look at 1977 chapter laws 190,272, and 418. What are chapter laws? Be patient, I'll explain, meanwhile just don't mix our statute chapter 30 with these chapter laws...they're a whole different mess of numbers!!

Also under history we find some short annotations of relevant court cases, attorney General Opinions, and law journal articles. Earlier history and annotations for this statute may be found under Chapter 30, Section 10 in Wisconsin Annotations...It's a single volume compilation of annotations which is updated every 10 years.

Now, let's take a look at the same statute 30.10 in the West's Wisconsin Statutes Annotated. And here we see how they differ from the official statutes.

First we have the statute itself, then we have legislative council notes--explaining the 1959 changes to the statute. Next is the Historical Note--citing changes and prior laws back to--in this case--1953.

The constitutional provisions table cites article 9 section 1 of the constitution and tells what it provides relative to navigation. As if that isn't enough, next we get cross references to related topics in the Wisconsin Statutes and the U.S. Code Annotated--that is the Federal Statutes.

We also have articles in law reviews.

We are given a West Key topic and number--sending us to appropriate court cases in any West Key number digest. They even give us a citation for Corpus Juris Secundum--the legal encyclopedia. AND THAT'S NOT ALL!! Here is a two page table of contents to thirty pages of "notes of decisions"--annotations of court cases dealing with our statute. How did the court interpret navigation relative to bridges, dams, meandering, scenic beauty, and in dozens of other ways? This already may be more than I really want to know--but I'm not done yet!! Don't forget the pocket part--it has changes made since the bound volume was printed--here's our section on drainage ditches--and it has two more pages of court cases. Wow...but there's more...paper-bound supplements to the pocket parts are issued twice a year and they yield a few more cases. But suppose there has been a case on point since the last supplement was published? We can handle that. Go to

the most recent Northwestern Reporter weekly issue and look up your statute in the Cumulative Statutes Construed table. Is it cited? No, check earlier volumes until your volume number of the Northwestern Reporter coincides with the Northwestern Reporter volume number listed in the front of the most recent Wisconsin Statutes Annotated supplement.

Now...you're pretty well covered..for today...but there's always that next appeals court verdict that may set a new precedent. But our statute itself is pretty well up to date now, right? Wrong. What if the legislature amended or repealed our statute since it was included in one of the statute sets. Remember, a new set of official statutes is printed only every two years and---Wisconsin Statutes Annotated is updated annually. But the legislature doesn't wait, it passes new laws...generally effective on the day after their publication. How do we keep up? As soon as a new law is passed by the legislature it is printed and issued individually as a slip law or chapter law. The first law of each biennial legislature is chapter law 1, the 2nd Chapter law 2, etc. So, you can see that this chapter is not related to our statute chapter 30 on navigation--but they're both called chapters. So, how do we know if our statute is affected by any new laws? We examine the latest issue of West's Wisconsin Legislative Service and check the table of contents for: Tables Cumulative--Statutes amended, repealed, and created--page 1977.

We look under 30.10 paragraph 4, sub paragraph c and find...that it has been am---amended by 1981 chapter law 339. Chapter laws are found in West's Wisconsin Legislative Service and also on file in the Government Documents section. They're in numerical order and

easy to find. Here's ours...affected parts of the statute are printed...deleted words are lined out...added words are underlined. An introductory sentence tells what the chapter law does. Often you need to read the chapter law with affected statutes--and it often deals with more than one--for it to make sense.

Now--do you have slip laws called chapters and statutes called chapters straight???

Good!! because starting with the 1983 legislative session--slip laws will be called ACTS and the first one will be cited: 1983 Wisconsin Act 1. sigh...Good-bye Chapter Laws, Hello! Acts.

Oh! yes, another thing, there are some slip laws, or chapter laws, or acts which are never included in the printed statutes. These are special, private, or local laws as opposed to general laws. Fortunately slip laws or chapter laws or--now--acts are bound together into session laws and titled Laws of Wisconsin. Sets of these session laws are available for each legislative session and each has its own index and tables.

If you need to locate current chapter laws or acts by subject, there is a cumulative subject index in each issue of the West Wisconsin Legislative Service.

The Wisconsin Constitution is found in volume 1 of both Wisconsin Statutes and Wisconsin Statutes Annotated. It is annotated, updated, and indexed in much the same way as the statutes themselves.

Do you remember Shepard's Wisconsin Citations? We talked about them in Tape 5. They would also be useful in finding out what has

happened to your statute in the constitution and the legislature.

Well, where's my canoe paddle....whitewater here I come.....

(splash)!!

TAPE IX
ADMINISTRATIVE LAW

Have you noticed how the excitement generated by the subjects of these tapes has continued to build? Here in Tape number nine we reach a pinnacle of excitement--Administrative Law--the regulations and guidelines which enable the bureaucrat to do his or her job zzzzz zzzzz zzz oh--excuse me--I got carried away.

Many of the laws passed by congress need active administration and enforcement. To provide for this congress creates agencies. The agencies need procedures for administering the laws..and so.. are given the power to write their own guidelines or regulations so that they may carry out the intent of the law. These regulations have the force and effect of law--in this way they are no different than the statutes--they are just as binding and just as enforceable. In addition, the courts are very likely to follow the agency interpretation of statutes.

There are over 300 different federal agencies which have their own regulations. Fortunately, no matter who they are, whether Peace Corps, Amtrack, Federal Election Commission, or Bureau of Mines, we have central access to their regulations. This is done through the CODE OF FEDERAL REGULATIONS. It is a large paperback set which is published annually, and contains the text of current federal regulations. It is similar to the U.S. Code, however, there is no unofficial commercially published version. The Regulations are arranged under 50 broad titles which correspond roughly to the titles of the U.S. Code. The Code of Federal Regulations is updated throughout the year by a daily publication called the Federal Register. It contains most federal regulations along with presidential documents.

The Federal Register is analogous to Statutes at Large. In it, new regulations are published in consecutive order without regard to topic.

How do you get into the Code of Federal Regulations? The easiest way, of course, is to already have a citation. Do you remember the federal law on cushion labeling we researched in U.S. Code Annotated? In it we found a citation to the Code of Federal Regulations. We are sent to title 16 part 303 in The Code of Federal Regulations.

And here we are.

Part 303, rules and regulations under the Textile Fiber Product Identification Act.

Part 303 contains about 20 pages on fabrics and labeling...including forms and procedures for establishing a registered identification number to be used in lieu of a name on textile fiber product labels. How else could we have located this regulation? The last volume of the Code of Federal Regulations contains a subject index. Although we find nothing under cushion--we can locate the regulation under labeling and under textiles....

If we know the authority for the regulation--that is the U.S. Code title and section--we can obtain a citation to locate it in the Code of Federal Regulations. This table is located in the index volume. The U.S. Code citation for the Textile Fiber Product Identification Act was 15 USC 70. We can see that the regulations enabling and enforcing the act are found in Code of Federal Regulations titles 16, 17, and 19, not just title 16. Our problem with the

Code of Federal Regulations is that--being updated annually--it can become almost 12 months out of date. To make sure we are current we should first check the latest Cumulative List of Parts Affected--we find here that title 16, part 303.20 of the Code of Federal Regulations--our regulation on textile labeling--has been amended on page 12 thousand 5 hundred 16 of the Federal Register.

In the back of the Cumulative List of Parts Affected we find a table of Federal Register issue pages and dates. Our page is in the March 25th issue.

We can turn to that page of the issue and find our amendment.

To complete our search for possible changes, we select the most recent issue of Federal Register and check the Parts Affected section in the back. Nothing listed for our regulation. We know it is current as amended. All we need is title 16 of the code and the March 25th Federal Register. In addition to regulations, the federal register prints agency notices, presidential documents, and proposed rules. A cumulative subject index to the Federal Register is issued on a monthly basis.

We do not have an official, commercially published, version of the Federal Register, however, the U.S. Code Congressional and Administrative News does print presidential documents and some significant regulations.

In Wisconsin we are fortunate to have a code of regulations for state agencies...many states do not. Its purpose is the same as that of the Code of Federal Regulations and its organization is similar. It is called the Wisconsin Administrative Code. Rather than being reissued annually in a new addition, the Wisconsin Administrative Code is updated as needed by looseleaf pages. It is currently contained in 15

volumes and is organized by administrative agency.

This is the last of our series of video tapes on law and I'm tired of trying to think up situations to demonstrate law books. All I can think of now is a beer. So lets try beer in the subject index in the last volume--ugh--taxes on beer--lets look under brewers---. The location reads Ag 118.01. We open volume one for a composite table of contents and check Ag--it stands for Agriculture, trade, and consumer protection--the regulations for this agency are found in volume 1. The agencies are marked by tabs. The 118 is the chapter number and the .01 is the section number... and here we are.

The history at the end of each section tells if and when the section was changed or amended and in what Wisconsin Administrative Register the rule or amendment was released.

New pages to the code are released monthly with the Wisconsin Administrative Register. The Register also publishes emergency rules and notices of hearings. It is shelved with the Wisconsin Administrative Code.

Well, over the last nine tapes of legal researching we've found our case ON point, we found our case IN point, and now I'm ready for a case OF point. Just set it right there please.

See you in the law stacks.